IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.1064 OF 2002.

WITH

CIVIL APPLICATION NO.3497 OF 2002

Union of India
through the General Manager
Western Railways
Churchgate, Mumbai : Appellants.

versus

Harsha Bipin Patel & ors. : Respondents.

Mr.Anand Samant for the appellants.
Mr.C.M.Jha for the respondent No.1.

CORAM : D.G.DESHPANDE,J.

DATED : 14th October 2005.

ORAL ORDER

1. Heard Mr.Samant for the Union of India and Mr.Jha for Respondent No.1. Respondent Nos. 2 and 3 are served. Nobody is present for them.

2. A Similar question is raised by Mr.Samant in

this matter, and that is, while passing an award by decree, the Tribunal has awarded 6% interest from the date of application i.e. 21/12/2000 till realisation. My attention was invited by Mr.Samant to a Judgment of the Single Bench. This point was decided by Justice Kochar in his Judgment dated 27.2.2002 in Writ Petition No.177 of 2002 and Mr.Samant states that this judgment of the Single Bench was upheld by the Division Bench (Khandeparkar and Mohata, JJ.) so far as interest is concerned in LPA No.74 of 2003 decided on 16.6.2005. In view of this judgment, I pass the following order :-

:ORDER:

Appeal is partly allowed.

Impugned Judgment is modified to the extent of interest i.e. Appellant to pay interest at the rate of 6% per annum from the date of the order of the Tribunal till the date of deposit. No order as to costs. Appeal is disposed of. Civil Application does not survive. It is disposed of.

[D.G.DESHPANDE]